

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
NM HOMES ONE, INC.	:	
	:	
Plaintiff,	:	08 CV 7679 (PAC)
	:	
v.	:	ECF CASE
	:	
JP MORGAN CHASE BANK, N.A. AND TODD	:	NOTICE OF
BROWN,	:	MOTION FOR
	:	RECONSIDERATION
Defendants.	:	
	:	
	X	

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 59(e) and Local Rule 6.3, and based on an amicus brief filed on April 7, 2010, by the New York State Attorney General in what defendants have termed analogous cases, Plaintiff NM Homes One, Inc., will move this court before the Honorable Paul A. Crotty at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date to be determined by the Court, to reconsider and vacate that portion of its Order filed on March 30, 2010, dismissing with prejudice those counts of NMH's Complaint asserting claims

for breach of fiduciary duty, negligence, and gross negligence on the ground that such claims were preempted by New York's Martin Act (N.Y. Gen. Law art. 23-a).

Dated: April 13, 2010
New York, New York

Respectfully submitted,

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